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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,850

11/02/2001

Sreekumar Pillai

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10/03/2007

UNILEVER INTELLECTUAL PROPERTY GROUP  
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EXAMINER

KANTAMNENI, SHOBHA

ART UNIT

PAPER NUMBER

1617

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/003,850

Applicant(s)

PILLAI ET AL.

Examiner

Shobha Kantamneni

Art Unit

1617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☒ The Notice of Appeal was filed on 20 September 2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: NONE.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 2, 5, 6, 9 and 10.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See page 2.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  
13. ☐ Other: \_\_\_\_\_.

  
SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER

Continuation of 11:

Applicant's arguments has been fully considered, but not found persuasive. The rejections of record under 35 USC 103 are MAINTAINED

Applicants further argue that the claims are patentable over Granger et al. (US 5,723,139, PTO-892 of record) and Fisher et al. (US 6,365,630, PTO-892), in view of Liu et al. (5,976,555, PTO-892 of record), and Surares et al. (US 5,914,116, PTO-1449 of record) because Applicants assert that the references do not render it obvious to provide a compartment that keeps retinoid containing composition, and a second composition comprising retinoid booster and phytoestrogen separately. The Examiner respectfully disagrees, and notes that it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to modify the two compartment product teachings of Soares et al. to provide a compartment for the retinoid composition that keeps the retinoid out of contact with retinoid booster, and phytoestrogen, because Soares et al. teaches the desirability of providing the two-compartment product to maximize the effectiveness of the separate compositions, and teaches providing retinoids in one of the compositions, while Liu et al. teaches that it is known that retinoids such as those taught by Soares et al. can easily oxidize and lose their effectiveness, and that several stable skin care compositions are supplied in two bottles i.e separating retinoids from other cosmetic ingredients. Therefore, one of ordinary skill in the art would have found it obvious to employ two compartments for separately storing retinol or retinyl ester in a first compartment and retinoid boosters, phytoestrogens in the second compartment to keep retinol or retinyl ester from reacting with retinoid boosters and phytoestrogens in order to preserve the stability of retinoids in the compositions to avoid chemical degradation, and keep retinoids from chemical reactions with other ingredients to avoid chemical degradation.